

**EXHIBIT 22**  
**Excerpts from**  
**Chad Lyman**  
**Deposition, Vol.**  
**II, 11/5/19**

Chad N. Lyman

Trinita Farmer v. Las Vegas Metropolitan Police Department, et al.

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1	UNITED STATES DISTRICT COURT	1	I N D E X
2	DISTRICT OF NEVADA	2	WITNESS
3		3	CHAD N. LYMAN
4	TRINITA FARMER, individually, ) Case No.: 5 Plaintiff, ) 2:18-cv-00860-GMN-VCF 6 vs. ) 7 LAS VEGAS METROPOLITAN POLICE ) 8 DEPARTMENT, a political ) subdivision of the State of ) 9 Nevada; KENNETH LOPERA, ) individually; TRAVIS CRUMRINE, ) 10 individually; MICHAEL TRAN, ) individually; MICHAEL FLORES, ) 11 individually, ) 12 Defendants. )	4	Examination by Mr. McNutt 4, 130 5 Examination by Mr. Lagomarsino 92 6
13		7	
14		8	E X H I B I T S
15	DEPOSITION	9	EXHIBIT DESCRIPTION
16	OF	10	Exhibit 1 Document entitled Risks Associated With the Use of the Carotid Restraint by Bill Smock, MD (28 pages)
17	CHAD N. LYMAN	11	122
18	Taken on Tuesday, November 5, 2019	12	
19	By a Certified Court Reporter	13	
20	At 9:08 a.m.	14	
21	At 400 South Seventh Street, Suite 400	15	
22	Las Vegas, Nevada	16	
23		17	
24	Reported by: Dawn Bratcher Gustin, CCR 253, RPR, CRR California CSR 7124	18	
25	Job No. 36895	19	
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		21	
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		23	
		24	
		25	
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1	APPEARANCES:	1	P R O C E E D I N G S
2	For the Plaintiff:	2	(Counsel stipulated to waive the
3	ANDRE LAGOMARSINO, ESQ. LAGOMARSINO LAW 3005 West Horizon Ridge Parkway Suite 241 Henderson, Nevada 89052	3	reporter requirements under NRCP Rule
4		4	30(b)(5)(A).)
5		5	CHAD N. LYMAN,
6		6	having been first duly sworn, was
7	For the Defendants Las Vegas Metropolitan Police Department, Travis Crumrine, Michael Tran, and Michael Flores:	7	examined and testified as follows:
8		8	EXAMINATION
9	CRAIG R. ANDERSON, ESO, MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, Nevada 89145	9	BY MR. MCNUTT:
10		10	Q. Mr. Lyman, my name is Dan McNutt, and I
11		11	represent former Metro Officer Ken Lopera.
12	For the Defendant Kenneth Lopera:	12	A. Okay.
13	DANIEL R. MCNUTT, ESO. MCNUTT LAW FIRM, P.C. 625 South Eighth Street Las Vegas, Nevada 89101	13	Q. And have you ever had your deposition taken
14		14	before?
15		15	A. Yes.
16		16	Q. How many times?
17	* * * * *	17	A. A handful.
18		18	Q. Okay. Well, just -- and I will go over the
19		19	rules of the deposition fairly quickly. If you at any
20		20	time -- the biggest rule is if you have any questions
21		21	ever, ask. If you want to take a break at any time, as
22		22	long as there's no pending question, we'll take a break.
23		23	No problem.
24		24	Obviously, we have a court reporter to your
25		25	right, and she's taking down everything that's being

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1	guys. I would have served in AOST approximately, guys,	1	We have students in the room at times that will
2	from sometime in -- in '13 through to about 2016. And	2	complain and wonder if we're going to get off early and
3	that's going to be approximate. It was about a	3	those kind of things. Ken was not that type of a
4	three-year stint, and it could have been as much as	4	student. He was engaged and worked hard for the balance
5	three and a half.	5	of whatever we were doing, and he would do whatever we
6	BY MR. MCNUTT:	6	would ask him to do physically, and he would do it at an
7	Q. Thank you.	7	appropriate pace and with appropriate -- as we showed
8	A. I don't know about you guys, but this weird	8	him. And so from that standpoint, I think Ken was a
9	thing happened to me. I'm older than yesterday, and it	9	very good law enforcement student who showed interest in
10	seems to be speeding up, and I don't -- I'm fighting it;	10	the things that we were teaching him.
11	so I don't keep track of dates too well.	11	If you were to ask me what level of Brazilian
12	Q. Well, I will let you know that Craig Anderson	12	jiu-jitsu practitioner he was, he was a beginner. He
13	when he starts to question you, he has trick questions,	13	would be -- if he were to go compete in a tournament, it
14	and he will -- if your wife is in the room, he will	14	would be inappropriate for him to compete in any kind of
15	often ask you the date you first met your wife, your	15	intermediate or advanced division. It would be
16	anniversary, things of that nature --	16	appropriate for him to compete in a beginning division
17	A. I will write them down.	17	based upon his overall skill level from the times I've
18	Q. -- just to embarrass you.	18	seen him.
19	A. Yeah, that would work for me.	19	Q. Okay. Do you -- does -- when Metro trains in
20	(A discussion was held off the	20	the -- obviously, you're familiar with the lateral
21	record.)	21	vascular neck restraint; correct?
22	THE WITNESS: That AOST stint, though,	22	A. Yes, sir.
23	brother -- or guys, circling back to that, that would	23	Q. When an officer trains in the lateral vascular
24	have been about a three-and-a-half-year stint.	24	neck restraint -- and for the court reporter, same thing
25	////	25	if I say LVNR -- do they give certification like, you
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1	BY MR. MCNUTT:	1	know, you're an expert in the use of the LVNR, or is it
2	Q. Okay.	2	simply you've had the training in the LVNR?
3	A. Somewhere in there.	3	A. You got the training --
4	Q. How would you describe Ken Lopera's level of	4	Q. Okay.
5	skill -- and I'm not saying you need to put it in some	5	A. -- would be the appropriate designation.
6	sort of belts or anything else, just low-level skill,	6	Q. So because -- so because Ken had the training,
7	average-level skill, however you would describe it.	7	that's -- he's sufficient or proficient, according to
8	MR. LAGOMARSINO: Objection. Form.	8	Metro's standards, to use and deploy the LVNR as a
9	Foundation.	9	patrol officer?
10	BY MR. MCNUTT:	10	A. Yes.
11	Q. So Chad, since we have no judge here, counsel	11	Q. So let's talk about your training. Obviously,
12	is entitled to make objections on the record, and they	12	when you came through -- well, actually, did you go
13	will -- the court reporter will write it down, and we'll	13	through Metro's academy when you started, or did your
14	deal with the judge later, but you are free to answer	14	academy with Portland -- how did that work for laterals?
15	the question.	15	A. They didn't care at all about my academy in
16	A. Okay.	16	Portland. I did a six-month military-style academy like
17	The only thing I could really base Kenny's	17	everyone else. But actually, that was -- I actually
18	skill or ability on would be a law enforcement setting	18	embraced that after initially not being totally
19	because that's where I've trained with him, if that	19	thrilled. I thought it was great because I got the same
20	makes sense.	20	experience as all my brother and sister officers did.
21	Well, I'll offer it two ways: In a law	21	So I think it was appropriate.
22	enforcement setting, I found Ken to be engaged, wanting	22	Q. So you -- obviously, in the academy you were
23	to learn, coachable, listening, asking relevant	23	trained in the lateral vascular restraint; correct?
24	questions. He was that type of a student. He was happy	24	A. Yes, sir.
25	to be there.	25	Q. Okay. And then you as a patrol officer would

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1	have gone through the same types of training, whether	1 and begins to respond to verbal commands. If I encircle
2	the quarterly defensive tactics training or the ten-hour	2 and secure the LVNR position and the suspect continues
3	block of AOST training, every year during your time with	3 to resist, then through an application of the LVNR, I
4	patrol; correct?	4 can restrict or slow down blood flow to and from the
5	A. That's correct. AOST was not a unit when I	5 brain. And if I maintain that, that could end up with
6	first came on in '04. I believe they were formed in '08	6 the suspect going unconscious for a momentary period of
7	or so. I'm not certain, but you would have to look.	7 time, and then I can secure handcuffing at that point.
8	But they were not a unit when I came on. As soon as --	8 So we try an encirclement, we want to continue
9	we still had the quarterly trainings, but we did not	9 to give verbal commands, and apply. And then through
10	have an AOST training at that time.	10 that application, even rolling the guy to his belly,
11	Shortly after I began, within my first several	11 because eventually what I'm working for is custody and
12	years, AOST was launched, and since that time I have --	12 control of the individual. That's the whole reason for
13	I have attended AOST.	13 me to pick that tactic against a resistive suspect.
14	Q. Okay. And since we're going back to 2004, let	14 Q. And when you say "custody," getting into
15	me ask this: Was the lateral vascular neck restraint	15 handcuffs; correct?
16	trained in Metro in 2004 when you came through the	16 A. Yes.
17	academy?	17 Q. Okay. So throughout this case, I've learned a
18	A. Yes, sir.	18 little bit more than I ever thought about neck
19	Q. Okay. So the lateral vascular neck restraint	19 restraints before. So is it fair to say that with one
20	has been employed by the Metropolitan Police Department	20 arm, and it could be either arm, an officer puts an
21	since at least 2004?	21 encircling arm around the suspect's neck; correct?
22	A. At least, yes.	22 A. That's correct.
23	Q. Were there any times in -- since 2004, to your	23 Q. And tries to maintain a neck brace principle
24	knowledge, when it was not an authorized technique?	24 such that his bicep and forearm are compressing the
25	A. No.	25 carotid arteries in the neck?
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1	Q. Okay. In 2004, or anytime since, were there	1 A. Well, in that neck brace is also my head
2	other neck restraints that were authorized, defensive	2 position on back of his head. And you are correct, what
3	tactics techniques?	3 I'd like to get is his chin in the -- above the crook of
4	A. No.	4 my elbow. I want to be under his chin, and then I've
5	Q. So one of the issues in this case is the --	5 got carotid compression on both sides. And then through
6	whether the technique employed was a lateral vascular	6 head position on the back side of the suspect's head, I
7	neck restraint or something else. And so I will ask you	7 can maintain that.
8	to describe, if you can, to me the principles of the	8 Q. And the idea -- this is a -- to use a very
9	lateral vascular neck restraint.	9 layman's term, this a blood choke, not an air choke;
10	What is the officer trying to achieve by	10 correct?
11	utilizing an LVNR?	11 A. Yes.
12	A. Hopefully -- the overall hope is compliance	12 Q. So -- and if I get the suspect's chin above the
13	from -- from the suspect. And so that's what they're	13 crook of my elbow, I do not -- I'm actually protecting
14	trying to achieve.	14 the airway; correct?
15	Do you mean physically or --	15 A. Yeah. If you were a high-level guy, you can --
16	Q. Yes, physically.	16 you can still achieve a blood choke through someone's
17	A. If the suspect were to continue to resist?	17 chin, but the layman officer I don't think could do
18	Q. Correct.	18 that.
19	A. Okay. The -- the LVNR, the principles or the	19 Q. Okay. And then the -- for the rest of the
20	ideas behind it are that if the suspect is resisting,	20 technique, I'm going to get a hand clasp where my hands
21	the officer can render that suspect momentarily	21 come together; correct?
22	incapacitated -- or temporarily would be a better word,	22 A. Yeah.
23	I guess, incapacitated and overcome their resistance.	23 Q. And the idea of that, based upon my reading of
24	Now, at times an encirclement and verbal	24 the training manual, is to be able to exert maximum
25	commands is sufficient, and the person begins to comply	25 pressure or the appropriate level of pressure that is

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1	Q. So is it -- when you're rolling or down in a	1	encircling arm and the other hand on top of the head?
2	grappling position in defensive tactics, is it harder or	2	A. Yeah, just on top of the head. No connection.
3	easier to employ various techniques when you're wearing	3	That's the reason that they teach the hands to be
4	your full kit versus wearing gym clothes?	4	connected, is through that connection it gives me the
5	A. It's harder, yeah. It's more challenging.	5	ability to finish that compression. So I -- from my
6	Q. Are there some techniques of or some aspects of	6	experience 20 years in the game, you have to connect
7	the lateral vascular neck restraint that cannot be used	7	this to something (demonstrating) and -- and it's going
8	if you're wearing in certain body positions on the	8	to be your bicep or your hands.
9	ground rolling around?	9	Q. And when you say "this," you demonstrated and
10	A. Certain body positions would certainly preempt	10	you would need to connect this being your encircling
11	it, and then add in, like, a full kit, what an officer	11	arm -- the hand of your encircling arm; correct?
12	would typically wear, it would make it challenging.	12	A. Correct. Correct. I've often come up behind
13	Q. And yet Metro doesn't require that type of	13	one of my kids -- I have eight kids -- I've often come
14	training before its officers are allowed to use the LVNR	14	up and give them a hug from behind.
15	on the street?	15	Q. That's the number "eight," not with "hate";
16	A. That's correct.	16	right?
17	Q. Okay.	17	A. Yes, number eight. Yeah, number eight.
18	A. Yeah.	18	But I have kids of varying ages; right? So I'm
19	Q. Have you ever heard the phrase "Train like you	19	an affectionate guy. I like to hug, and that probably
20	fight, because you are going to fight like you train"?	20	comes from my grappling; I don't know. But I'll come up
21	A. Yeah.	21	behind my children and just hug them to me with one arm
22	Q. Do you agree with that?	22	around them. There's no chance I'm going to render them
23	A. Yes.	23	unconscious because I've placed an arm around their neck
24	Q. So if an officer put an encircling arm around	24	area from behind. I'm not even concerned about that
25	the suspect and did not do with the support side hand,	25	because that's -- I would need to connect it and begin
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1	put it across his biceps in the rear naked choke, and he	1	to apply compression.
2	also did not get the gable grip for the lateral vascular	2	So I'll hug and -- and probably some of that --
3	neck restraint but instead -- and let's just use left	3	I had never thought of it until we were just discussing
4	and right. If an officer put his -- used his left arm	4	this, but from behind my wife, from behind my kids, I'll
5	as the encircling arm on a suspect.	5	often encircle, for lack of a better word, their upper
6	A. Okay.	6	body and just hug them to me. I'm not concerned in the
7	Q. And with his right arm placed his hand on top	7	slightest that I'm going to have some kind of
8	of the suspect's head.	8	compression issue because I'm not connected. It's going
9	A. Okay.	9	to be very hard to finish that.
10	Q. Is there any way for that officer to achieve	10	Q. So even -- and you're saying that even at your
11	carotid compression on the suspect?	11	level -- let's take it away from the familial setting.
12	MR. LAGOMARSINO: Form. Foundation.	12	You're a second-degree Brazilian jiu-jitsu black belt;
13	BY MR. MCNUTT:	13	correct?
14	Q. You can answer.	14	A. Yes.
15	A. Okay. No, not -- the secondary arm would be	15	Q. And you are a certified defensive tactics
16	doing nothing. So if he's going to achieve carotid	16	instructor or advanced officer skills training for
17	compression, he's going to have to attach this to	17	Metro; correct?
18	something, and that could be way up high on his uniform	18	A. Yes, sir.
19	or he could grab his vest. But it would be -- most guys	19	Q. And if you encountered a suspect on the street
20	don't understand how to do one-armed, and certainly no	20	and you were attempting to employ a neck restraint, what
21	one's been taught that at Metro. And it's extremely	21	your testimony is is that unless you connected your
22	challenging. Doing this (demonstrating) would not --	22	hands in either case, the rear naked choke technique or
23	would not achieve any reliable carotid incapacitation.	23	the lateral vascular neck restraint, if you only had an
24	Q. And for the record, when you said "doing this,"	24	encircling arm, it's your opinion that you would not be
25	you put your hands in a situation where you have an	25	able to render someone unconscious; correct?

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1	have audio.	1 Q. I'll represent to you that that is Sergeant
2	MR. MCNUTT: Just so the record is clear.	2 Crumrine that rolled up in the car. So you can see
3	BY MR. MCNUTT:	3 another Metro officer in the video; correct?
4	Q. And so -- and Ken's body-worn cam is, as you	4 A. That's correct.
5	would know, picking up all the voices from around him.	5 Q. Okay. So from this angle, no observer can tell
6	A. Correct.	6 precisely where Ken Lopera's encircling arm is; correct?
7	Q. They're not just his.	7 MR. LAGOMARSINO: Objection. Form.
8	A. Correct.	8 BY MR. MCNUTT:
9	Q. So let's -- tell me when Ken attempts to employ	9 Q. Is that true?
10	some sort of neck restraint on Tashii Farmer, and we'll	10 A. I believe that's true, yes.
11	get a timestamp on it.	11 Q. All right. Okay.
12	A. Now.	12 A. I would agree.
13	Q. So 4:22 on this video, describe the position	13 Q. So you don't know whether he's got encirclement
14	you see with Ken Lopera.	14 around his neck or whether his -- he's just simply
15	MR. LAGOMARSINO: And I'm sorry. Just for the	15 hugging Tashii Farmer's chest; correct?
16	record, when you do that, can you also do the time on	16 A. I have no idea.
17	the timestamp versus -- like 57:03.	17 Q. Okay. Now, would Sergeant Crumrine have a
18	THE WITNESS: Over here (indicating).	18 better view since he's face-to-face with Tashii Farmer
19	MR. MCNUTT: So the time on the video is 4	19 as to where Ken Lopera's arm, left arm, is?
20	minutes, 22 seconds. This is the actual time of the day	20 A. Yes.
21	where it says May 14th, 2017, and it's 00:57 minutes past	21 Q. So we're now at 4:25 in the video, 57 minutes
22	midnight and three seconds.	22 and 6 seconds past midnight. They are both rolling on
23	THE WITNESS: Okay.	23 their right side. So my next question is going to be
24	MR. MCNUTT: Andre, did you put that on there?	24 tell me when you see either of Ken Lopera's hands or
25	MR. LAGOMARSINO: I don't -- I didn't do the	25 arms come away from Tashii Farmer's neck, head, chest
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1	video personally.	1 area.
2	MR. MCNUTT: Well, it's your video company. So	2 A. It's out.
3	did you put that on there?	3 Q. Okay. So we're at 4:58, but I think I was a
4	MR. LAGOMARSINO: I did not put that on there.	4 little slow; so let's watch it.
5	MR. MCNUTT: Well, did your video company put	5 A. Sure.
6	that on there?	6 It's out. It's out.
7	MR. LAGOMARSINO: I don't know.	7 Q. Okay. So 4:57, 4:56, somewhere in there,
8	MR. MCNUTT: The day and date stamp.	8 depending on how fast my finger was. That's where Ken
9	MR. LAGOMARSINO: I believe that's from the	9 Lopera's right arm is away from Tashii Farmer; correct?
10	surveillance.	10 A. That's correct.
11	BY MR. MCNUTT:	11 Q. And that's the same testimony you gave on the
12	Q. So the question was please describe for me the	12 other video; correct?
13	position that Ken Lopera is in with Tashii Farmer.	13 A. It looks very similar to me.
14	A. So when I called out "stop" and now it's become	14 Q. Okay. So now they have rolled back over or
15	a little fuzzy, but it was very clear when I called it	15 they have rolled to their left side. Can you tell
16	out, to me. Chest to back, sitting up, left arm -- and	16 your -- where Ken Lopera's left or right arm, what's
17	I wouldn't call it encirclement because I can't tell if	17 your description?
18	it is, but left arm around the upper -- upper torso	18 A. The left arm is hard for me to see. It's under
19	and/or neck and/or head. Right hand resting on top of	19 the -- under Mr. Farmer somewhere. The right arm is up
20	Mr. Farmer's head.	20 high and wrapped all the way around what appears like
21	Q. Okay. So in this part of the video when we're	21 his head, but I can't tell if it's under the chin or the
22	at 4:22 of the video, 57 minutes and 3 seconds past	22 placement of it. I can't tell.
23	midnight in actual time, do you see Sergeant Crumrine	23 Q. Okay.
24	there?	24 A. Pause. Okay, he's out there.
25	A. Yes. Yes.	25 Q. Okay.

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1	the lateral vascular neck restraint due to the gear he	1 to is if I use it three times and it doesn't work, then
2	was wearing?	2 I consider it not effective, and I can use another
3	MR. LAGOMARSINO: Form. Foundation.	3 intermediate force means to address this suspect.
4	THE WITNESS: No. I think you can do it with	4 Q. Sergeant Bland testified that Metro's policy
5	the gear he was wearing.	5 was to utilize -- you could utilize a TASER three times
6	BY MR. MCNUTT:	6 and then you -- the officer was encouraged to look for a
7	Q. Okay. But based on your prior testimony, it's	7 different use of force.
8	more difficult to do it with your full gun belt and --	8 A. That's accurate.
9	A. Sure.	9 Q. But an officer that was by themselves or in
10	Q. -- kit; correct?	10 other exigent circumstances, they could certainly use
11	A. If the question is can he do it, yes. If the	11 the TASER. In fact, he said there was no expectation
12	question is could his gear inhibit his performance in	12 that an officer would quit using a TASER to go hands on
13	this, that can be true as well.	13 simply because they used it three times and didn't have
14	Q. Okay. I think it's pretty clear that your	14 any other options.
15	testimony is that his hand was not in the correct	15 A. I would agree. Yeah, I would agree a hundred
16	position -- the perfectly correct position for an LVNR;	16 percent. And that's why I said there's not a number,
17	correct?	17 per se.
18	A. Correct.	18 Q. Okay. Is -- do you have a definition for what
19	Q. And it was not -- nor was it in the correct	19 constitutes a dynamic situation in policing?
20	position for a rear naked choke; correct?	20 A. Rapidly evolving, tense, uncertain
21	A. Correct.	21 circumstances. Suspect resisting. Dynamic situation.
22	Q. Is there -- did he perform some other neck	22 MR. MCNUTT: Andre, I'm going to look through
23	restraint that I'm unaware of there being a name for?	23 my notes. We can either take a break and I can come
24	MR. LAGOMARSINO: Form. Foundation.	24 back to him and then you can go, or I'm happy to turn
25	THE WITNESS: I don't see any trained neck	25 the witness with the reservation that I want to look
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1	restraint. I see a failure of a trained neck restraint,	1 through my notes and have a couple questions.
2	if that makes sense to you.	2 MR. LAGOMARSINO: Sure. Do you want to --
3	BY MR. MCNUTT:	3 MR. ANDERSON: Whatever.
4	Q. Okay. It does.	4 MR. LAGOMARSINO: Do you have any questions?
5	A. I don't see any execution of something that I'd	5 MR. ANDERSON: No, not right now.
6	say, "Oh, yeah, right there he's shifting his hips.	6 MR. LAGOMARSINO: Do you want to take a break?
7	That's" -- I don't see any of that.	7 THE WITNESS: I don't need one right now.
8	Q. Okay. Do you teach as part of your defensive	8 MR. LAGOMARSINO: Madam Court Reporter?
9	tactics -- advanced defensive tactics instructor role,	9 THE COURT REPORTER: I'm fine. Thank you.
10	do you teach use of TASER?	10 MR. LAGOMARSINO: Why don't we start.
11	A. Yes, I'm certified as a TASER instructor.	11 THE WITNESS: And if we need a break --
12	Q. Okay. Are there instances -- are you familiar	12 MR. LAGOMARSINO: Yeah.
13	with what Metro's policy regarding the use of a TASER	13 EXAMINATION
14	is?	14 BY MR. LAGOMARSINO:
15	A. Yes. I don't have it in front of me. I'm	15 Q. It's quite easy to apply a one-armed rear naked
16	familiar with it, and I could probably recall questions	16 choke; correct?
17	that you have about it, but, you know...	17 MR. MCNUTT: Objection. Form.
18	Q. Do you know how many times an officer is	18 THE WITNESS: Answer?
19	authorized to use -- deploy a TASER on a suspect?	19 BY MR. LAGOMARSINO:
20	A. Well, the -- well, first, it depends. But	20 Q. Yes.
21	they -- they say three applications and try something	21 A. A one arm? No, it's -- I wouldn't say it's
22	else. It's not working. You might not be getting	22 quite easy. It's likely to fail.
23	good -- the less applications I can expose him to, the	23 Q. You have an Instagram page; correct?
24	better. I mean, I don't want to just continually zap	24 A. I do.
25	this guy. And the standard I believe you're referring	25 Q. And that is C4C underscore operator; correct?

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1	A. That's correct.	1 most people, even in his circles, would not know you
2	Q. And you posted a video on that page as of	2 could do that. That's not common knowledge. That's
3	October 1st of this year referencing a one-arm rear naked	3 extremely advanced technique that most people wouldn't
4	choke; right?	4 know.
5	A. You can do one.	5 Keenan also shows the importance of a
6	Q. Okay.	6 connection. And so he's using his own neck in the same
7	A. I wouldn't call it quite easy, nor would I call	7 way you would use this (demonstrating) and the same way
8	it high percentage.	8 you would use this (demonstrating). He's not leaving
9	Q. You have a nonblack-belt buddy who has been	9 arms loose. And certainly that would be challenging to
10	hitting this choke on folks forever; correct?	10 do with a kit on. That would be very hard to do.
11	A. That's correct.	11 BY MR. LAGOMARSINO:
12	Q. And who is "hey B minus"?	12 Q. Sure.
13	A. Brian Hartman is -- he was in Special Forces in	13 A. You would have to have long arms.
14	the military, then he was a SWAT operator and led a	14 Q. And I think you referenced this earlier. The
15	tactical team, and he's been training for 20 years. He	15 key is as long as the encircling arm has leverage on
16	just doesn't wear a gi, which is g-i. So he doesn't	16 something, that's where your pressure is coming from;
17	subscribe to any belt system; so he doesn't have a belt.	17 correct?
18	But Bryan trains Navy SEALS. He trains Tier One	18 A. Yes, but typically something with me. So in
19	operators. Full-time trainer at this point. Lots of	19 other words, I couldn't just expect reasonably that I
20	operational experience.	20 can encircle your arm and grab you --
21	Q. And was Brian Hartman involved in a	21 Q. Right.
22	controversial officer-involved shooting?	22 A. -- and create that same leverage. It would
23	A. He was.	23 have to be to me.
24	MR. MCNUTT: Objection. Form.	24 Q. Right. So I think you demonstrated earlier.
25	//////	25 I'll try to demonstrate with this, obviously, too tight
	Page 94	Page 96
1	BY MR. LAGOMARSINO:	1 suit.
2	Q. And what was that shooting?	2 A. Your suit looks great.
3	A. That, I don't know. I never got briefed on it.	3 Q. So you put the encircling arm around
4	I wasn't in a training scenario. It was a shooting --	4 (demonstrating), right --
5	it happened in Southeast Vegas, but I don't know details	5 A. Yes, sir.
6	on it.	6 Q. -- and in this situation, I'm encircling with
7	Q. That was the shooting where he shot an	7 my right arm.
8	individual in the back with an AR-15 who was handcuffed?	8 A. Yes.
9	A. I didn't -- I don't know that he was	9 Q. And as long as I have a situation where I have
10	handcuffed, and I don't know any of the details in that	10 pressure around the subject's neck, the right hand can
11	shooting.	11 either grab my own shoulder, it can grab my own neck,
12	Q. Or if he was on his knees? Okay.	12 and in that situation you can achieve a carotid hold
13	A. Yeah, I don't know any of those details.	13 with one arm; correct?
14	Q. Okay. So if you could, please, go to your	14 A. You can do it, certainly.
15	Instagram page on your phone.	15 Q. Okay.
16	A. Sure.	16 A. Yeah.
17	Q. Actually, I have it here if you just want to	17 Q. All right. And I believe in the testimony
18	see it.	18 earlier when you were watching the video, you had a
19	A. I can look at it on yours. That's fine.	19 situation where I think it was a -- I believe it was.
20	Q. Yours is probably much bigger than mine.	20 1:29 in the -- I may be mistaken, for the record -- but
21	(Video playing on cell phone.)	21 it was where you stated that Ken appeared to have one of
22	THE WITNESS: So it's great video. This is	22 his hands on Tashii Farmer's arm or hand.
23	Keenan Cornelius, and Keenan's a long-time BJJ guy.	23 A. I couldn't tell what it was. I thought it
24	He's a high-level black belt. He's world renowned. And	24 might be the wrist control. I thought he might, but I
25	the reason he would give a tutorial like that is that	25 didn't know.

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1	can remember, yeah. I don't remember any.	1 BY MR. LAGOMARSINO:
2	Q. What years were you on the Portland Police	2 Q. If you have a subject in an LVNR or a -- well,
3	Bureau?	3 let's start --
4	A. Would have been academy in late '97, I believe.	4 A. Carotid restraint?
5	Q. Okay.	5 Q. Let's start over. Yeah.
6	A. And then came here in 2004.	6 A. Okay.
7	Q. When you received training in Portland, do they	7 Q. If you had an individual in an LVNR and you
8	train on the LVNR as a deadly-force option?	8 render them unconscious and you can tell they were
9	A. They don't train it at all.	9 unconscious, you must immediately release the pressure
10	Q. And why is that?	10 on the LVNR; right?
11	A. They say that it's deadly force.	11 A. Yes.
12	Q. Did they teach you about a case study involving	12 Q. If you don't immediately relieve or release the
13	a gentleman named Lloyd Tony Stevenson who died after	13 pressure, there's a risk of death or serious injury to
14	having the LVNR applied to him?	14 that individual; correct?
15	A. Did who?	15 MR. MCNUTT: Objection. Form.
16	Q. Did the Portland Police Bureau train you on an	16 THE WITNESS: Eventual. I wouldn't say -- if
17	individual case study with a subject named Lloyd Tony	17 I'm three to seven seconds and you go unconscious at
18	Stevenson who died as a result of a carotid restraint	18 five seconds and I don't immediately release carotid
19	being applied to him?	19 compression, are you going to suddenly die? I don't
20	A. Well, they talked about an arm bar, arm-barring	20 think you are. You can go underwater for far longer
21	wind choke restraint, and said that a guy had died --	21 than that and be getting no air.
22	and please don't quote me because it is quite a long	22 BY MR. LAGOMARSINO:
23	time ago, but I believe there might have even been	23 Q. That's a fair distinction.
24	someone using a baton to try to --	24 A. It could lead to death.
25	Q. Okay.	25 Q. Yeah.
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1	A. -- render him unconscious.	1 A. Yes.
2	Q. Do you know Bill Smock is or William Smock?	2 Q. You watched the video of the interaction with
3	A. That name is very familiar.	3 Tashii Farmer and Ken Lopera twice, one with sound, one
4	Q. It's a doctor who provides training on LVNR who	4 without. Is it your opinion that Ken Lopera's life was
5	has been providing training to Metro or will be	5 in danger?
6	providing training to Metro soon.	6 MR. MCNUTT: Objection. Form.
7	A. Yeah, I don't -- I don't know him, but the name	7 THE WITNESS: You know, he's with an
8	sounds familiar.	8 aggressive, resistant individual who's fighting. I
9	Q. Okay.	9 don't know what he felt, though, or what he perceived,
10	A. Yeah.	10 and I can't gain any of that by watching a video in this
11	Q. You talked about the importance of giving	11 office, not in a fight.
12	verbal commands in conjunction with the LVNR. Do you	12 BY MR. LAGOMARSINO:
13	agree that those verbal commands need to be clear to the	13 Q. Did anybody at Metro tell you why they don't
14	subject?	14 allow the rear naked choke?
15	A. Yes.	15 A. You know, they've never really asked me.
16	Q. Okay.	16 Unofficially, I know there's a lot of -- a lot of
17	A. Yeah.	17 ignorance. I could ask the average administrator in my
18	Q. Do you believe that if improperly applied, the	18 agency what the difference is; they couldn't tell me. I
19	LVNR could be deadly force?	19 could ask them if they're the same; they wouldn't know.
20	MR. MCNUTT: Objection. Form.	20 And I think people generally are afraid of it despite
21	THE WITNESS: So certainly anything when we're	21 the fact that -- shoot, we're at 11:45. It's happening
22	fighting could turn into a lethal thing, but it could	22 right now in this city repeatedly to people because
23	be. It's not probable. It's probable that it just	23 there's lunchtime jiu-jitsu classes going right now, and
24	won't work.	24 people are doing it, and no one's dying. We don't
25	////	25 replace a new member every week. Man, we lost another

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1	one to a carotid restraint. Holy cow. 2 People just -- so I think there's a lot of 3 ignorance. I think people think, like, if you do this 4 wrong, it's going to, oh, my goodness, cause a death. 5 And the reality is I've been doing it for 20-something 6 years and seeing horrible applications of carotid 7 restraint, and what happens is it just doesn't work. 8 It's actually -- I would prefer someone to render me 9 temporarily incapacitated through a blood choke than 10 beating me any day of the week, any day of the week. It 11 would be a gift; so. 12 Q. Right. 13 But in that jiu-jitsu training, you usually 14 have somebody monitoring when somebody's unconscious and 15 assuring that pressure is relieved when that person 16 becomes unconscious; right? 17 A. That's correct. But even with that being said, 18 like, when I compete -- when I compete, what they 19 restrict is based on liability and potential injury. 20 That's how they decide what they're going to restrict 21 and what they're not going to restrict. And what they 22 don't restrict at a beginning level is carotid 23 restraint. Carotid restraint is from kids class all the 24 way up to beginner adults can apply carotid restraint. 25 Why? Because it's not likely anyone's going to get	1	What hold is that? 2 A. That's similar to an LVNR. That's -- Stephan 3 Kesting is your bald guy who's behind the other guy. I 4 don't know who the guy in front is. 5 Q. Who's Stephan Kesting? 6 A. He's a Brazilian jiu-jitsu black belt out of 7 Canada. I don't think he's a police officer. I think 8 he's a firefighter. But that's a picture of him, and 9 his rear elbow was down, which would be opposite of what 10 LVNR would teach, but other than that, that's pretty 11 much the grip we would have. 12 Q. The next page, it says: 13 "The Majority of Law Enforcement Agencies in 14 the U.S. Have Banned or Reserved Use of 15 'Chokeholds' and 'Vascular Restraints' For 16 Deadly Force Encounters." 17 Agree, disagree, or no opinion? 18 MR. MCNUTT: Objection. Form. 19 THE WITNESS: I don't know. I don't know. 20 BY MR. LAGOMARSINO: 21 Q. Okay. 22 A. What the majority is, really, I don't know. 23 Q. Can you please turn to the page, a few pages 24 forward, it says: 25 "In-Custody Death: Positional Asphyxia/Carotid
1	hurt. They don't allow simple joint locks because it's 2 very likely people will get hurt without the proper 3 training. So if there was a high incidence of injury or 4 death, you would see a huge restriction on carotid 5 restraint when we compete, and there's none; so. 6 Q. But when you compete, people aren't holding the 7 carotid restraint for a minute plus after the person has 8 become unconscious; right? 9 A. That would be -- that would be correct, yeah. 10 Q. Okay. We'll make this Exhibit 1. 11 A. Thank you, sir. 12 (Exhibit 1 was marked.) 13 BY MR. LAGOMARSINO: 14 Q. So this I'll represent to you is a PowerPoint 15 put on by Bill Smock. He is a police surgeon with the 16 Louisville Metro Police Department, and he provides 17 training throughout the country on the issue of the 18 carotid restraint. 19 What I'm going to ask you is if you agree, 20 disagree, or have no opinion on some of the statements 21 made in this PowerPoint, okay. 22 A. Okay. Thank you, sir. 23 Q. All right. So on the second page, it says: 24 "Law Enforcement Use of a Neck Restraint/Hold: 25 Sleeper Hold, LVNR, Carotid Restraint."	1	Restraint." 2 A. Um-hum. 3 Q. So it's the Eric Garner case. Are you familiar 4 with the Eric Garner case somewhat? 5 A. Yeah. 6 MR. MCNUTT: Objection. Form. 7 THE WITNESS: Oh, I'm sorry. 8 Yes. 9 BY MR. LAGOMARSINO: 10 Q. What's your understanding of what the Eric 11 Garner case was? 12 A. Complaint about a guy selling drugs on the 13 sidewalk. They call him -- they contact him. There's 14 an arrest attempt. He doesn't want to be handcuffed. 15 They wrestle him down to the ground. They hold him down 16 and handcuff him, and he later dies. 17 Q. In this second picture there on the right, what 18 kind of a restraint is placed on Eric Garner? 19 A. I think there's encirclement with no restraint. 20 I don't think that's a finish of anything. So an arm 21 encirclement for sure, though, left arm. 22 Q. All right. Skipping head to 9.1.5, Use of 23 Physical Force. 24 A. Yes, sir. 25 MR. MCNUTT: Hang on, where are you at? 9 --

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1	MR. LAGOMARSINO: Yeah, just a couple pages	1	Is that a risk of a carotid restraint?
2	forward.	2	MR. MCNUTT: Same objection.
3	MR. MCNUTT: There's a couple of them, though.	3	THE WITNESS: Yeah, I don't -- I don't know
4	Next one is 9.1.5 too.	4	what it would be called. I don't know.
5	THE WITNESS: The one right after --	5	BY MR. LAGOMARSINO:
6	MR. MCNUTT: After Ken's picture?	6	Q. Is asphyxia death a risk of a carotid
7	MR. LAGOMARSINO: Right.	7	restraint?
8	THE WITNESS: Okay. I'm there.	8	MR. MCNUTT: Same objections.
9	BY MR. LAGOMARSINO:	9	THE WITNESS: Yes.
10	Q. Says: "9.1.5 Use of Physical Force." Says:	10	BY MR. LAGOMARSINO:
11	"Choking techniques, even if applied	11	Q. Is anoxic brain damage a risk of a carotid
12	appropriately" --	12	restraint?
13	So I'm talking about the highlighted version --	13	MR. MCNUTT: Same objections.
14	A. Um-hum.	14	THE WITNESS: I don't know.
15	Q. "Choking techniques, even if applied	15	BY MR. LAGOMARSINO:
16	appropriately, cause a risk of death or serious	16	Q. Is -- strike that.
17	physical injury because they may restrict the	17	Are fractures of the laryngeal cartilage a risk
18	flow of blood or oxygen to a person's brain."	18	of a carotid restraint?
19	Agree, disagree, or --	19	MR. MCNUTT: Same objections.
20	MR. MCNUTT: Objection to the form of the	20	THE WITNESS: Agree.
21	question on two bases. Is -- do you purport this to be	21	BY MR. LAGOMARSINO:
22	from Metro -- Las Vegas Metropolitan Police Department?	22	Q. All right. Is fracture and collapse of the
23	MR. LAGOMARSINO: I'm simply asking him if he	23	trachea a risk of a carotid restraint?
24	agrees with the sentence that's highlighted that I just	24	MR. MCNUTT: Objection. Same objections.
25	read.	25	THE WITNESS: Not a carotid. More windpipe
	Page 126		Page 128
1	MR. MCNUTT: Well, objection to the form of the	1	choke which would be like a wind choke.
2	question based upon the source document, and I'll object	2	BY MR. LAGOMARSINO:
3	to the form of the question because this witness is not	3	Q. Okay. All right.
4	a medical expert.	4	Going to the page that starts with:
5	BY MR. LAGOMARSINO:	5	"Sean Entin and life after the 'choke.'"
6	Q. You can answer.	6	A. Okay. Thank you.
7	A. I disagree.	7	MR. MCNUTT: Can you say that again.
8	Q. Why do you disagree?	8	MR. LAGOMARSINO: This page right here
9	A. Because if applied appropriately, it happens	9	(indicating).
10	all the time. And even if applied -- if applied	10	MR. MCNUTT: Sean Entin.
11	inappropriately, you're not going to get any -- any	11	BY MR. LAGOMARSINO:
12	incapacitation or risk of death. Nothing's going to	12	Q. Have you heard of the Sean Entin case?
13	happen. And applied appropriately, you could let it go.	13	A. I have not.
14	And we apply carotid restraint daily.	14	Q. Going to the next page where it says:
15	Q. Okay.	15	"Road FC champion suffers stroke, diagnosed as
16	A. Yeah.	16	acute cerebral infarction."
17	Q. Going to the slide that says:	17	Have you heard about this case?
18	"Risks of Carotid Restraints?"	18	A. I may have heard about that one on the
19	MR. MCNUTT: Going to what?	19	Internet.
20	MR. LAGOMARSINO: The page that says "Risks of	20	Q. And what's your understanding of that case?
21	Carotid Restraints."	21	A. Just heard about it. Didn't understand what
22	BY MR. LAGOMARSINO:	22	actually happened there.
23	Q. Again, agree, disagree, or I don't know:	23	Q. The next one is:
24	"Dissection of carotid or vertebral arteries	24	"Leandro Feijao Souza died from a stroke?"
25	resulting in a stroke or death."	25	Did you hear about this case?

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1

## REPORTER'S CERTIFICATE

2

STATE OF NEVADA )  
 3 ) ss  
 COUNTY OF CLARK )  
 4 )

5

I, Dawn Bratcher Gustin, a duly certified court reporter licensed in and for the State of Nevada, do hereby certify:

7

That I reported the taking of the deposition of the witness, CHAD N. LYMAN, at the time and place aforesaid;

9

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

11

That I thereafter transcribed my shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true, and accurate record of the proceedings to the best of my ability.

13

I further certify that (1) I am not a relative, employee, or independent contractor of counsel of any of the parties; nor a relative, employee, or independent contractor of the parties involved in said action; nor a person financially interested in the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned; and (2) that transcript review pursuant to NRCP 30(e) was waived.

19

IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 21st day of November 2019.

21



22

Dawn Bratcher Gustin, CCR 253, RPR, CRR

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